

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/1/2019

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UNITED STATES,

-against-

SOHRAB SHARMA, et al.,

Defendants. :
:-----X

18 Cr. 340 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, by letter dated June 14, 2019, the Government moved to compel Defendants Sharma and Farkas to disclose whether they intend to assert any defense based on advice of counsel, and if so, to produce all discovery relating to such a defense (Dkt. 133);

WHEREAS, by letter dated June 28, 2019, counsel for Defendants Sharma and Farkas oppose the Government's motion (Dkt. 139);

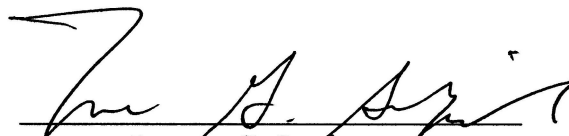
WHEREAS, pretrial notice and disclosure on whether Defendants intend to assert an advice of counsel defense may raise issues requiring additional briefing before trial. It is hereby

ORDERED that the Government's motion is **GRANTED**. No later than **September 6, 2019**, Defendants shall inform the Court and the Government whether it plans to rely on an advice of counsel defense, and if so, provide discovery relating to any advice of counsel defense they intend to advance at trial. *See United States v. Scali*, No. 16 Cr. 466, 2018 WL 461441, at *8 (S.D.N.Y. Jan. 18, 2018) (“[A] defendant must clearly elect whether it will raise an advice-of-counsel defense before the close of discovery and in time to allow for such discovery.”) (internal quotation marks and citation omitted); *United States v. Hatfield*, No. 06 Cr. 0550, 2010 WL 183522, at *13 (E.D.N.Y. Jan. 8, 2010) (holding that if defendants “intend to rely on an advice of counsel defense” they must “disclose all documents concerning the [] . . . defense” including “not

only those documents which support [their] defense, but also all documents (including attorney-client and attorney work product documents) that might impeach or undermine such a defense”).

The Clerk of Court is respectfully directed to close the open motions at Docket Nos. 133, 136 and 139.

Dated: July 1, 2019
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE